

**AMENDMENTS****In The Claims:**

Please amend claims 43, 56 and 57 to read as shown below. The changes made to claims 43, 56 and 57 are detailed in the attached Appendix.

43. (Twice Amended) A pre-cursor to a semiconductor device containing at least one area of sacrificial material made in accordance with a method comprising the steps of:

(A) forming a patterned layer of sacrificial material on a substrate corresponding to a pattern of one or more gaps to be formed in the semiconductor structure;

C<sup>1</sup> (B) depositing a second material on the substrate within regions bordered by the sacrificial material with the second material being formed with a height less than the height of the adjacent sacrificial material; and

(C) forming an overcoat layer of material overlying the patterned layer of sacrificial material and second material in the regions bordered by the sacrificial material, the overcoat layer being contiguous with both the patterned layer of sacrificial material and the second material,

whereby the height of the one or more areas of sacrificial material exceeds the height of the one or more areas of second material.

56. (Twice Amended) A pre-cursor to a semiconductor device comprising:  
a substrate;  
C<sup>2</sup> a patterned layer of conductive material on the substrate,  
a patterned layer of sacrificial material on the substrate, the patterned layer of sacrificial material being greater in height than the patterned layer of conductive material; and

an overcoat layer of a material overlying the patterned layer of conductive material and the patterned layer of sacrificial material, the overcoat layer being contiguous with both the patterned layer of conductive material and the patterned layer of sacrificial material.

Cont'd  
C2 57. (Amended) The semiconductor device of claim 56, wherein the overcoat layer is a dielectric layer.

[Please add the following new claim:]

C3 --58. (Added) The semiconductor device as set forth in claim 43, wherein the overcoat layer is a dielectric material through which one or more gaseous decomposition products can pass by diffusion under conditions not detrimental to the semiconductor device.--.

### REMARKS

Claims 43 to 58 will be pending in the application upon entry of the above amendments. Claims 43, 56 and 57 have been amended. Claim 57 has been amended for clarification purposes. Claim 58 has been added. Favorable reconsideration in light of the above amendments and the remarks which follow is respectfully requested.

#### I. Art Rejections:

Claims 43, 44, 56 and 57 have been rejected under 35 U.S.C. § 103(a) over Havemann et al. (U.S. Patent No. 5,668,398). This rejection is now moot in view of the amendments made to claims 43 and 56. As amended, claims 43 and 56 recite a precursor to a semiconductor device that is neither disclosed nor suggested by Havemann et al., as will become apparent from the following remarks.